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Amendment and Response to Restriction Requirement

REMARKS

Applicants are in receipt of a telephonic restriction requirement from Examiner Choi in which an election of one of the following inventions has been required:

- Group I - Claims 26, 27, 31, 32, 36, 37, 41, 42, 46, 47, 51, 52, 56, 57, 62, 63, 67, 68, 72, 73, 77 and 78;
- Group II - Claims 28, 29, 33, 34, 38, 39, 43, 44, 48, 49, 53, 54, 58, 59, 64, 65, 69, 70, 74, 75, 79 and 80;
- Group III - Claims 30, 35, 40, 45, 50, 55, 60, 66, 71, 76 and 81; and
- Group IV - Claim 61.

Applicants elect, with traverse, the Group I invention.

By the foregoing amendment, each of claims 26, 28 and 30 have been amended to recite the modified aluminum oxy compound of claims 1, 5 and 10, respectively, of parent application, now U.S. Patent 6,664,208.

Because the claims of Groups I-III now claims a use of a patentable modified aluminum oxy compound (as specified in the aforementioned claims 1, 5 and 10 of U.S. Patent 6,664,208) the use thereof is also patentable, *per se*.

The public interest would not be served by having three (3) patents issue as to Groups I-III if the instant restriction were continued as applicant's claims (as amended) are *prima facie* patentable.

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Accordingly, modification of the restriction to include at least groups II and II with the elected group I is respectfully requested as it would place no undue burden on the office or the examiner (MPEP §803) and would serve the public interest and diminish the costs to applicants.

Reconsideration and modification of the requirement is, therefore, respectfully requested. If the restriction requirement is maintained, applicants expressly reserve their rights under 35 U.S.C. §§119, 120 and 121.

A prompt examination of the application is respectfully requested.

Respectfully submitted,



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